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09/728,449	12/01/2000	Ben Chodor	33400-080	3245

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Proskauer Rose LLP
1585 Broadway
New York, NY 10036

EXAMINER

USTARIS, JOSEPH G

ART UNIT	PAPER NUMBER
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2616

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DATE MAILED: 07/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/728,449

Applicant(s)

CHODOR ET AL.

Examiner

Joseph G Ustaris

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 8, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Noro et al. (US006750913B1) in view of Kitamura (US20020013857A1) and Garfinkle et al. (US006512570B2).

Regarding claim 1, Noro et al. (Noro) discloses a "method for facilitating capture and distribution of digital still pictures" (See Fig. 1 and column 3 lines 4-20). The system includes "a camera and a device capable of receiving user instructions" (See Fig. 5 elements 103 and 501), where the camera captures pictures or "still pictures". The camera receives commands from the user via camera control server or "providing the appropriate user instruction to the device capable of receiving user instructions" (See Fig. 5). The captured pictures are transferred to a picture server or "transferring one or more of the captured still pictures to a second node" and the captured pictures are then transferred via Internet or "publicly accessible wide area network" from the picture server or "second node" to a client or "third node" for display (See Fig. 5 elements 102, 502, and 504; column 3 lines 4-14). However, Noro does not disclose that (1) the camera and camera control server are located at a "first node" of the network, where the captured pictures are transferred to the picture server via network,

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(2) for the picture server to transfer copies of the captured pictures to the clients, and
(3) allowing the users to select "one or more versions of still pictures derived from the captured still pictures to be accessible by non-patron users", where the picture server would enable transfer of the "versions of still pictures" to "other nodes" that have access to the picture server that are not "a node validated by the second node as being operated by the patron user".

(1) Kitamura discloses an imaging apparatus and network system where the camera and control circuit are directly connected to the network or Internet or "a first node comprising a camera and a device capable of receiving user instructions" and can receive commands and transmit image data over the network (See Fig. 6 elements V1, V2, V3; and paragraphs 0016 and 0017). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the camera and camera control server to be located at a "first node" connected to the Internet, where the captured pictures are transferred to the picture server via Internet, as taught by Kitamura, in order to provide a camera having high general versatility corresponding to a network.

(2) Official Notice is taken that it is well known to transfer copies of pictures to clients. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the picture server to transfer copies of the capture pictures in order to enable other users to be able to receive the same captured pictures.

(3) Garfinkle et al. (Garfinkle) discloses an image server or picture server where the image server generates thumbnails of the digital images or captured pictures or "one or more versions of still pictures derived from the captured still pictures" (See column 8 lines 1-15). The user uses the thumbnails to select which photos are to be sent to other parties or "receiving at the second node via the publicly accessible wide area network at least one instruction from the third node designating one or more versions of still pictures derived from the captured still pictures to be accessible by non-patron users" (See Fig. 5, 5A, 5C). The image server then sends copies of a reduced version of the captured pictures or also known as "copies of the one or more versions of the still pictures derived from the captured still pictures, but not the still pictures contained at the second node" (See column 6 lines 45-55) to the parties listed in the e-mail addresses or "to each node with permission to receive such versions of the still pictures other than a node validated by the second node as being operated by the patron user" via Internet. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the picture server and client to allow the users to select "one or more versions of still pictures derived from the captured still pictures to be accessible by non-patron users", where the picture server would enable transfer of the "versions of still pictures" to "other nodes" that have access to the picture server that are not "a node validated by the second node as being operated by the patron user", as taught by Garfinkle, in order to enable a means for users to share their pictures with other parties who are not aware that such pictures are available via Internet.

Claim 2 contains the limitations of claim 1 (wherein the client sends a list of e-mail addresses who have permission to receive pictures, and the picture server sends e-mail messages out to the corresponding e-mail addresses that allows the user to download the picture from the picture server or "transmitting from the second node to one or more other nodes associated with the one or more email addresses a message pointing to the one or more versions of the still pictures for which access is permitted") and is analyzed as previously discussed with respect to that claim.

Claim 8 contains the limitations of claim 1 and is analyzed as previously discussed with respect to that claim.

Claim 9 contains the limitations of claims 2 and 8 and is analyzed as previously discussed with respect to those claims.

Claims 3-5 and 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Noro et al. (US006750913B1) in view of Kitamura (US20020013857A1) and Garfinkle et al. (US006512570B2) as applied to claims 1, 2, 8, and 9 above, and further in view of Kohno et al. (US 20030048356A1).

Regarding claim 3, Noro in view of Kitamura and Garfinkle does not disclose that the generation of the "versions of still pictures" is initiated by receiving an edit command from the client that "alters the displayed appearance of the one version of the still picture".

Kohno et al. (Kohno) discloses a communication apparatus that controls camera operations and image transmission/reception. The image reception terminal or client

includes image reception software that enables the user to select the resolution or “alters the displayed appearance of the one version of the still picture” in which the images will be transferred over the network. The command is sent to the image transmission software where it makes the necessary adjustments and transmits the image or captured picture (See Fig. 4; paragraph 0084 and 0085). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the picture server and client disclosed by Noro in view of Kitamura and Garfinkle to utilize image transmission/reception software to generate the “versions of still pictures” by receiving an edit command from the client that “alters the displayed appearance of the one version of the still picture”, as taught by Kohno, in order to provide more options and control to the user thereby allowing the user to modify the captured pictures.

Regarding claim 4, Official Notice is taken that is it well known to transfer applications from a server to a client on a network or “transferring from the second node to the third node via the publicly accessible wide area network an executable software layout tool”. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the picture server and client disclosed by Noro in view of Kitamura and Garfinkle and in further view of Kohno to transfer the image reception software or “executable software layout tool” from the picture server to the client in order to provide an easy means of updating software on the client side thereby ensuring that all the clients are operating with the same and up-to-date software.

Regarding claim 5, Noro in view of Kitamura and Garfinkle and in further view of Kohno discloses that the servers serve as WWW servers where each client executes a "browser application" that "enables communication of presentable information communicated between the third node and other nodes via the publicly accessible wide area network" (See Noro column 3 lines 25-35). Furthermore, Noro in view of Kitamura and Garfinkle and in further view of Kohno discloses that the browser activates other software that is required to run the system (See Noro column 4 lines 54-59). Therefore, it would have been obvious to transfer (as discussed in claim 4 above) and execute the image reception software or "executable software layout tool" when executing the browser in order to provide full functionality of the system to the user.

Claim 10 contains the limitations of claims 3 and 8 and is analyzed as previously discussed with respect to those claims.

Claim 11 contains the limitations of claims 4 and 10 and is analyzed as previously discussed with respect to those claims.

Claim 12 contains the limitations of claims 5 and 11 and is analyzed as previously discussed with respect to those claims.

Claims 6, 7, 13, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Noro et al. (US006750913B1) in view of Kitamura (US20020013857A1) and Garfinkle et al. (US006512570B2) as applied to claims 1, 2, 8, and 9 above, and further in view of Anderson et al. (US006636259B1).

Regarding claim 6, Noro in view of Kitamura and Garfinkle does not disclose an "e-commerce node" that transfers "one or more advertisements for presentation thereat" to "a node requesting the transfer of one or more still pictures from the second node".

Anderson et al. (Anderson) discloses a web-enabled camera that accesses the Internet. The camera requests service to be provided by a photo-sharing service or picture server (See Fig. 1) where files/images can be downloaded to the camera from the server or "a node requesting the transfer of one or more still pictures from the second node". The files/images downloaded to the requesting camera or client also contains advertisements for display, where inherently the advertisements are retrieved from "e-commerce node" (See column 10 lines 37-47; column 13 lines 29-35).

Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the picture server and client disclosed by Noro in view of Kitamura and Garfinkle to include an "e-commerce node" that transfers "one or more advertisements for presentation thereat" to "a node requesting the transfer of one or more still pictures from the second node", as taught by Anderson, in order to provide another means of delivering advertisements to the users, thereby increasing the coverage area.

Regarding claim 7, Noro in view of Kitamura and Garfinkle and in further view of Anderson further disclose that the advertisements are related to the controlling entity, the entity's photo-sharing site, or photo sharing service that is used by the user or "selecting a particular advertisement...targeted to a specific kind of user" (See Anderson column 11 lines 10-15).

Claim 13 contains the limitations of claims 6 and 8 and is analyzed as previously discussed with respect to those claims.

Claim 14 contains the limitations of claims 7 and 13 and is analyzed as previously discussed with respect to those claims.

Conclusion

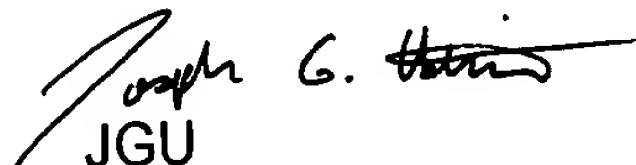
2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please take note of Parulski et al. (US 20030025808A1) for their similar method of sharing images over a network and their utilization of e-mail addresses.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Ustaris whose telephone number is (703) 305-0377. The examiner can normally be reached on Monday-Friday with alternate Fridays off from 7:30 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile, can be reached on (703) 305-4380. The fax phone number for this Group is (703) 872-9306.

Any inquiry of general nature or relating to the status of this application or proceeding should be directed to the Group Receptionist whose telephone number is (703) 305-4700.

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JGU
July 8, 2004


VIVEK SRIVASTAVA
PRIMARY EXAMINER